

2024-1097

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

GOOGLE LLC,

Plaintiff-Appellee

v.

SONOS, INC.,

Defendant-Appellant

Appeal from the United States District Court for the Northern District of California
in nos. 3:20-cv-06754-WHA & 3:21-cv-07559-WHA, Judge William H. Alsup

MOTION OF GOOGLE LLC TO EXTEND THE TIME TO FILE ITS RESPONSE BRIEF

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Counsel for Google LLC

March 6, 2024

CERTIFICATE OF INTEREST

I certify that the information below is complete to the best of my knowledge.

Date: March 6, 2024

Signature: /s/Dan L. Bagatell

Name: Dan L. Bagatell

1. Represented Entity	2. Real Party in Interest	3. Parent Corporations and 10% Stockholders
Google LLC	none	XXVI Holdings Inc.; Alphabet Inc.

4. Other Legal Representatives

from Quinn Emanuel
Urquhart & Sullivan, LLP:

Anne-Raphaelle Aubry
Lindsay Cooper
Nima Hefazi
Jordan R. Jaffe*
James D. Judah
Marc L. Kaplan
Jocelyn Ma
Jeffrey W. Nardinelli
Lana Robins
Brittany V. Ruyak
Charles K. Verhoeven*
Jason C. Williams*
*no longer with firm

5. Related Cases

see Notice of Related Case Information (Dkt. 4)

6. Organizational Victims and Bankruptcy Cases

none

Pursuant to Federal Rules of Appellate Procedure 26(b) and 27, Appellee Google LLC moves for a 60-day extension of time in which to file its response brief in this appeal. Google has not sought any previous extensions in this appeal. Google's response brief is now due by March 25, 2024. If the extension is granted, the brief will be due by May 24, 2024. As explained in the attached declaration, Google has good cause for an extension because the counsel responsible for drafting the brief have conflicting responsibilities in other matters.

Counsel for Appellant Sonos, Inc. have indicated that it does not oppose this motion, and Google does not expect it to file a response.

Respectfully submitted,

PERKINS COIE LLP

by /s/Dan L. Bagatell

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Counsel for Google LLC

DECLARATION OF DAN L. BAGATELL

1. I am the principal attorney for Google LLC in this appeal and, along with my colleagues, am responsible for preparing its response brief.

2. Google's response brief is currently due by March 25, 2024. Google has not previously requested any extensions of time in this appeal. If the requested extension is granted, Google's brief will be due by May 24, 2024.

3. Google has good cause for the requested extension. I am serving as principal counsel for the appellee in No. 24-1097 (Fed. Cir.), in which the response brief is due on April 18, 2024. In addition, I served as appellate counsel for Google at a trial in the Western District of Texas in late February, and I will be serving as appellate counsel for another client at a trial in the Western District of Texas in early April. I am also involved in a hearing on cross-motions for summary judgment in the Northern District of California later this month.

4. The lawyers working with me on this brief are similarly busy with pressing matters, including oral arguments in this Court in No. 2023-1169 on April 2 and No. 2022-2291 (expected during the May court week); briefs due in this Court in No. 2024-1121 on April 15, No. 2023-1783 on April 26, No. 2024-1042 on April 29, and 2024-1196 on May 7; and a district-court case in which fact discovery is scheduled to close on April 5.

5. Google's response brief may need to address three amicus briefs as well as Sonos's 14,000-word brief.

6. I have conferred with counsel for Sonos, Inc. and confirmed that it does not oppose the requested extension.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: March 6, 2024

/s/Dan L. Bagatell

Dan L. Bagatell

CERTIFICATE OF COMPLIANCE WITH TYPE–VOLUME LIMITATION

1. This motion complies with the type–volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 115 words, excluding the portions exempted by rule.

2. This motion complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6). The motion has been prepared in a proportionally spaced typeface using Microsoft® Word software and 14-point Times New Roman type.

Dated: March 6, 2024

/s/Dan L. Bagatell

Dan L. Bagatell